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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,622	06/27/2003	Rajasekhar Venkat Meda	Meda 2	8034

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,622

Applicant(s)

MEDA, RAJASEKHAR VENKAT

Examiner

Willie J. Daniel, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's RCE amendment filed on 07 June 2006. **Claims 1-20** are now pending in the present application. This office action is made **Non-Final**.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 June 2006 has been entered.

Election/Restrictions

3. Newly submitted **claims 15-20** are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
 - a. **Claim 15** recites the limitation "...determining if a mobile is in a location corresponding to a home location for the mobile; and transmitting marketing information to the mobile if the location is outside of the home location for the mobile, the marketing information is regarding at least one of a product or service that is distinct from wireless communications provided by a wireless communication system being accessed by the mobile and the marketing information is intended for a visitor to an area including the location..." in line(s) 2-8 of the claim.

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 15-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

4. **Claim 12** is objected to because of the following informalities:

- a. **Claim 12** has been amended but Applicant failed to properly label the claim with a status identifier such as (Currently Amended). See MPEP § 714 and 37 CFR 1.121(c).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by **Blom (US 2002/0026361 A1)**.

Regarding **claim 1**, Blom discloses a method of communicating in a wireless communication system having a plurality of mobiles (see Figs. 1-2), the method comprising:

designating marketing and/or advertisement information based on information stored in a database and associated with goods and services provided by entities (e.g., advertiser) having an agreement (e.g., contract) with the wireless communication system (see abstract; pg. 2, [0017-0018, 0022]; Figs. 1-5), where the advertiser has a contract with the mobile ISP to provide advertisements to the mobile stations; and

transmitting the marketing and/or advertising information (see Fig. 5 “ref. 550”).

Regarding **claim 9**, Blom discloses a method of communicating in a wireless communication system, the method comprising the steps of:

transmitting an identification number (see pgs. 2-3, [0015]; Figs. 1-2 and 4-5), where the mobile station accesses a network in which the identification number would be inherent to be recognized by the system and to receive and transmit messages as evidenced by the fact that one of ordinary skill in the art would clearly recognize; and

receiving marketing and/or advertising information as designated by the identification number, where the marketing and/or advertising information is associated with goods and services provided by entities having an agreement with the wireless communication system (see abstract; pg. 2, [0017-0018, 0022]; Figs. 1-4 and 5 “ref. 550”), where the advertiser has a contract with the mobile ISP to provide advertisements to the mobile stations.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1-5, 7-11, and 13-14 are rejected under 35 U.S.C. 102(a) as being anticipated by **Fleischer et al.** (hereinafter **Fleischer**) (**US 2002/0098832 A1**).

Regarding **claim 1**, **Fleischer** discloses a method of communicating in a wireless communication system having a plurality of mobiles (see Figs. 1-2), the method comprising:
designating marketing and/or advertisement information based on information stored in a database and associated with goods and services provided by entities having an agreement with the wireless communication system (see pg. 3, [0023-0024]; Figs. 1-2); and
transmitting the marketing and/or advertising information (see Fig. 2).

Regarding **claim 2**, **Fleischer** discloses the method of claim 1 where the step of transmitting the marketing and/or advertising information comprises:

determining whether a received identification number is stored in a visitor location register (VLR) (see pgs. 2-3, [0020-0021]; Figs. 1-2); and

designating a mobile based on a history of the mobile's identification number stored in a VLR database (see pg. 3, [0021]; Figs. 1-2).

Regarding **claim 3**, Fleischer discloses the method of claim 1 where the system designates marketing and/or advertising information for a mobile based on the mobile's current location (see pg. [0023]; pg. 4, [0026-0028]; Figs. 1-2).

Regarding **claim 4**, Fleischer discloses the method of claim 1 where the marketing and/or advertising information is transmitted over a signaling channel of the communication system (see pg. 2, [0017]; pgs. 2-3, [0020]; Fig. 2).

Regarding **claim 5**, Fleischer discloses the method of claim 1 where the marketing and/or advertisement information is arranged in a format and transmitted as per a protocol being followed by the communication system (see pg. 2, [0017-0018]).

Regarding **claim 7**, Fleischer discloses the method of claim 1 where the transmitted marketing and/or advertisement information is based on information stored in a visitor location register (VLR) and at least one databases in communication with the system (see pg. 3, [0023]; Figs. 1-2).

Regarding **claim 8**, Fleischer discloses the method of claim 1 where at least one of the mobiles is a cellular phone or a wireless computer (see pg. 2, [0018]; Figs. 1-2).

Regarding **claim 9**, Fleischer discloses a method of communicating in a wireless communication system, the method comprising the steps of:

transmitting an identification number (see pgs. 2-3, [0020-0021]; Figs. 1-2); and

receiving marketing and/or advertising information as designated by the identification number, where the marketing and/or advertising information is associated with goods and

services provided by entities having an agreement with the wireless communication system (see pg. 3, [0023-0024]; Figs. 1-2).

Regarding **claims 10-11 and 13-14**, the claims are rejected for the same reasons as applied to claims 3, 5, and 7-8 respectively.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fleischer et al.** (hereinafter **Fleischer**) (US 2002/0098832 A1) in view of **Balachandran** (US 6,006,085).

Regarding **claim 6**, **Fleischer** discloses every limitation claimed as applied above in claim 1. **Fleischer** does not specifically disclose having the feature where the transmission of the marketing and/or advertising information is postponed until a mobile whose identification number located in a home location register (HLR) or a visitor location register (VLR) was used to designate the marketing and/or advertising information is in idle mode. However, the examiner maintains that the feature where the transmission of the marketing and/or advertising information is postponed until a mobile whose identification number located in a home location register (HLR) or a visitor location register (VLR) was used to designate the marketing and/or advertising information is in idle mode was well known in the art, as taught by **Balachandran**.

In the same field of endeavor, Balachandran discloses the feature where the transmission of the marketing and/or advertising information is postponed until a mobile whose identification number located in a home location register (HLR) or a visitor location register (VLR) was used to designate the marketing and/or advertising information is in idle mode (see col. 4, lines 40-64; col. 5, lines 17-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fleischer and Balachandran to have the feature where the transmission of the marketing and/or advertising information is postponed until a mobile whose identification number located in a home location register (HLR) or a visitor location register (VLR) was used to designate the marketing and/or advertising information is in idle mode, in order to increase the utilization of available bandwidth, which will simultaneously increase revenue for wireless service providers, as taught by Balachandran (see col. 2, lines 41-44).

Regarding **claim 12**, Fleischer discloses every limitation claimed as applied above in claim 9. Fleischer does not specifically disclose having the feature where the reception of the marketing and/or advertising information is postponed until a mobile whose identification number located in a visitor location register (VLR) was used to designate the marketing and/or advertising information is in idle mode. However, the examiner maintains that the feature where the reception of the marketing and/or advertising information is postponed until a mobile whose identification number located in a visitor location register (VLR) was used to designate the marketing and/or advertising information is in idle mode was well known in the art, as taught by Balachandran.

In the same field of endeavor, Balachandran discloses the feature where the reception of the marketing and/or advertising information is postponed until a mobile whose identification number located in a visitor location register (VLR) was used to designate the marketing and/or advertising information is in idle mode (see col. 4, lines 40-64; col. 5, lines 17-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fleischer and Balachandran to have the feature where the reception of the marketing and/or advertising information is postponed until a mobile whose identification number located in a visitor location register (VLR) was used to designate the marketing and/or advertising information is in idle mode, in order to increase the utilization of available bandwidth, which will simultaneously increase revenue for wireless service providers, as taught by Balachandran (see col. 2, lines 41-44).

Response to Arguments

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

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(toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR
11 October 2006


ERIKA A. GARY
PRIMARY EXAMINER